

MINUTES

Planning and Zoning Commission Meeting

08/18/2016

ATTENDANCE

Board Members

ATTENDED

1. Charles (Chuck) Howe
2. Charles (Chuck) Teetsel
3. Don Berry
4. Fred Shupla
5. Jason Hatch
6. Randy Murph
7. Rick Slone
8. Ruth Ann Smith

ABSENT

Carol Davis
Evelyn M. Meadows
Wendell DeCross

Staff Attendance

1. Peggy Saunders
2. Chérie Camp
3. Jeanine Caruthers
4. Bill Bess

The meeting was held at the Navajo County Board of Supervisors Chambers, Holbrook, Arizona at 6:00 pm.

Chairman Chuck Teetsel called the meeting of the Navajo County Planning & Zoning Commission to order, provided the meeting procedures and led the Pledge of Allegiance. He thanked staff and guests; Pinetop/Lakeside Planning and Zoning for attending the meeting and read the case information for Item #1.

Item #1 – CASE #16-01: ZONE CHANGE, DISTRICT III: Request initiated by Navajo County to consider the rezoning of part of Section 35 (Township 11 North, Range 23 East) from Rural-20 to Rural-5, which includes Assessor Parcel Numbers (APN's): 404-43-002, 404-43-003B, 404-43-004B, 404-43-011, 404-43-012, 404-43-015, 404-43-016, 404-43-017B, 404-43-021A, 404-43-021B, 404-43-021C, 404-43-022B, 404-43-023, 404-43-024, and 404-43-025; a.k.a. portions of Section 35, Township 11 North, Range 23 East, G&SRM, Navajo County Arizona; Show Low area.

Chairman Teetsel then gave the floor to **Bill Bess** to provide the staff report. **Bill Bess** gave the background on the zoning. The original plat was prepared in 1971, and in 1974 the current Zoning Ordinance was adopted; and then in 1977, the plat was recorded with the undersized lots. In the 1980's and 1990's, there were more lot splits which created additional parcels of less than 20 acres. We have a total of 15 lots to convert from RU-20 to RU-5 zoning in order to match the actual parcel size. We began with one individual who wanted to do some zone changes, but we did not want to do spot zoning within this particular section. When we reviewed the entire

section and saw multiple undersized lots, we then made the decision to rezone them so the zoning would match the actual size of each parcel. There are 30 parcels in this section. Letters were sent out to all property owners indicating our plan to move forward and we received back 17 yeses, 1 no, 10 no-responses, and 2 we were unable to contact. **Mrs. Peggy Saunders** went through each parcel and sent out both certified and regular mail notices, and per the county attorney, if we did not receive both letters returned to us as “undeliverable”, it is considered to have been “received” by the property owner. We were not able to contact two of the owners, or find any forwarding addresses. **Mrs. Saunders** provided details as to which parcel owners did and did not want zone changes, the owners who did, sent in the proper paper work to get the zone changes made. **Mr. Bess** added, that staff is doing the Zone Change at no fee to the owners, to assist with any future need for permits. If the other parcels owners we were unable to reach, come in requesting assistance, we will provide the same service to them at no charge. **Chairman Teetsel** Did Mr. Welch provide any reason for being opposed? **Mrs. Saunders** No he did not, he simply returned his application with “no” checked. **Chairman Teetsel** Do we have a system in place with the Records office to communicate with Public Works, as well as to notify any owner who is attempting to make changes that their property may have restrictions that may prevent them from doing so. **Mrs. Saunders** said we have an agreement with the Recorder’s and the Assessor’s office staff to send calls to us that may be questionable or need clarification on whether the property can or cannot be split. Illegal splits can still occur, but this issue has been greatly reduced since we are now being notified. **Commissioner Don Berry** asked, if a property is split incorrectly, does this mean they will not be able to obtain a permit? **Mrs. Saunders** replied, that is correct. **Chairman Teetsel** said we need to attach some form of notice that has been recorded with their property which will indicate that although the split has been made, they cannot obtain a permit to build. **Mr. Bess** With your direction we will follow up with this and report back at the next Commission meeting. **Commissioner Ruth Ann Smith** said to go one step further, if there is an acknowledgement made available on the county site that real estate professionals could access as there is a certain amount of responsibility with a realtor listing property like this to know in advance what they can and cannot do. **Commissioner Fred Shupla** asked, is there some sort of form that can be utilized? When the request for a split is taken to the Recorder’s office, they should receive a document indicating what they can and cannot do with this property. **Chairman Teetsel** There should be an affidavit and disclosure which is filled out and filed by the seller as well as notarized and provided to the buyer, but perhaps the majority doing this have never heard of an affidavit of disclosure. **Commissioner Chuck Howe** asked if there can be a SOP (Standard Operation Procedure) for the Records office before they accept it and before it becomes a county document. **Chairman Teetsel** The recording can be done on any type of document, they will not report anything, it has simply become an official recorded document which relates to the parcel. When the title company does a search, they will find everything that was recorded, whether it was legal or not. **Mr. Bess** when parcel splits or combinations are recorded, they go to the Assessor who then enters the info into our mapping system with the size of the parcel and the zoning. An internal check could be to set it up in our system with a pop-up on the map, to anyone performing a search of the property including alerting title searches of any restrictions. **Mrs. Saunders** Some of these RU-20, undersized parcels were recorded in the 1960’s. The lot sizes are very small, long and skinny, (80’x 600’), but are grandfathered because they were platted before the ordinance went into effect, so we do not have any control over the sizes. They have the same RU-20 zoning uses, we just provide them with different setbacks. We allow them to get building permits

because they were platted before 1974. This particular section of parcels was platted in 1971, but was not recorded until 1977 after the zoning ordinance was already in effect. That's why we are doing this section zone change to clean up these sections with undersized parcels. Using the Power Point presentation, **Mrs. Saunders** shared which parcels are undersized parcels. One of our goals is to do one section at a time as it is currently very difficult for these property owners to utilize their land. We do have existing problems as with the 4 houses shown on the presentation, these owners did not receive permits. They were turned down for a permit, but built anyway. **Mr. Bess** said the owners have come to us looking for their address so they can receive public services, but we cannot provide it to them due to their lack of permit. **Commissioner Howe** what are the implications on a house that has not been permitted? **Mrs. Saunders** At this point, if something happens, or it burns down, it is on the property owner, not the county as they did not come to the county for permitting and without proper permitting, no insurance company will insure them. They didn't go through our building department to make sure the building is sound by following our building codes. The rezoning is not going to change anything for them. **Commissioner Howe** asked if it is still considered a residential dwelling under the county from the stand point of emergency services. **Mrs. Saunders** does not have the answer at this time. **Mr. Bess** does not know himself, but one of the requests that came in also wanted an address to obtain public services, but we were not able to provide them an address as it was zoned improperly. **Mrs. Saunders** There are a few properties out there that do have addresses because they may have been done before all of this came to light. An additional issue is that by Arizona State Statues, if the current property owner sells the property with that house on it, we cannot require the new owner to obtain permitting. However, they will not be able to build any additional buildings. Unfortunately, if the new owner chose to build without permitting, we could not stop them as we are not able to police these properties due to not having the staff for it. **Mr. Bess** Regarding the emergency services, as part of the county's E911 exercise, where ever there is a house that has a street name (anywhere within the county), we provide them an address so they will have emergency access. Whether or not a fire truck or other emergency services can get out there due to the conditions of the road - snow, mud, or whatever the case may be, that may be in question, but they will be able to have an address assigned to them, even GPS coordinates are assigned, if they were in need of help, a helicopter could get out there. **Commissioner Berry** asked how we determine an address if we have a lot or a parcel that is only being partially used. **Mr. Bess** said it is based off the grid system and the name of the road in front of it. We will determine which is East West, North, and South based off the distance off of the base line, that will be the number assigned to it increasing in increments which ever direction and Public Works will go to the road and put a sign up. Even if it is a private or two-track road, we are required to post a sign to the road(s) getting out to that address. **Mrs. Saunders** On that particular parcel, when one of our inspectors went out to post one of *our* signs because we have to post zone changes, he had to put his truck in 4-wheel drive due to the condition of the road. **Chairman Teetsel** Perhaps we should discuss putting together a workshop to discuss possible solutions. **Commissioner Berry** agrees with the Chairman, maybe this is something we need to address, perhaps table it for now until we gather more information on what would be the best way to address it. **Chairman Teetsel** asked if staff could check with other departments to see if they would like to get together for a workshop some afternoon perhaps prior to a P&Z meeting. Regarding Item 1, do we have any other questions regarding the zone change? **Mr. Bess** Staff and our other departments have no objection to the requested zone change. **Chairman Teetsel** Called for a motion, **Commissioner Slone** made a

motion to approve the request as proposed by staff, **Commissioner Howe** seconded, with no further discussion, the motion passed, 7-1.

Item #2 – POSSIBLE APPROVAL OF MINUTES FROM THE COMMISSION HEARING OF FEBRUARY 18, 2016 & MARCH 17, 2016

Chairman Teetsel asked for a motion to approve, **Commissioner Shupla** made a motion to approve the minutes, **Commissioner Howe** seconded, and the motion passed 8-0.

Item #3 – COMMISSIONER'S COMMENTS AND/OR DIRECTION TO STAFF:

Chairman Teetsel inquired about the status of Kompo Care and if the town of Snowflake has annexed the Kompo Care facility. **Mrs. Saunders** replied, yes, the Kompo site was annexed into the Town of Snowflake. Staff has received several calls with requests for information to put medical marijuana dispensaries or cultivation sites within the county, but all the locations, so far, have been within 1500 feet of a church, or in a residential area, so we informed them their application would be denied. **Chairman Teetsel** asked, with the redo that Snowflake has gone through, is it possible they will un-annex it and put it back on Navajo County? **Mrs. Saunders** believes the annexation will stand, but was not sure if the Symington location has gone through.

Item #4 – REPORT FROM STAFF TO THE COMMISSION: **Chairman Teetsel** asked for any further report from staff. **Mr. Bess** None at this time. **Mrs. Saunders** we have a Zone Change application submitted, for one parcel, that may be ready to go forward at the October P&Z meeting.

With there being no further business to come before the Planning & Zoning Commission, **Chairman Teetsel** asked for a move to adjourn the meeting, **Commissioner Berry** made the motion to adjourn, **Commissioner Slone** seconded, the motion passed with a vote of 8-0, the meeting was adjourned at 6:28 pm

Approved this _____ day of _____, _____.

Chairman, Navajo County
Planning & Zoning Commission

ATTEST:

Chérie Camp Secretary, Navajo County
Planning & Zoning Commission